

Amendments

Amendments to the Drawings

Three (3) corrected drawing sheets, each having the “Replacement Sheet” label, are enclosed herewith.

REMARKS

I. Amendment to the Specification and Drawings

A. Multiple Designations by Reference Number

The Examiner has correctly concluded that the reference character “48” has been used to designate both an actuator and the anchor at the end of a Bowden cable. Accordingly, applicant has eliminated the duplicate reference number in the drawings and made a corresponding change to the specification. Applicant hereby asserts that this correction is supported by the Figures and the specification as originally filed and does not add any new matter to the drawings or the specification.

B. Claimed Features

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a), concluding that the links recited in Claim Nos. 10-11, 29-30 and 48-49 and the actuator recited in Claim Nos. 13 and 32 must be shown or the features cancelled from the claims. As particularly discussed further below with regard to Claim Nos 13 and 32, applicant submits that each of these features is illustrated in the drawings and is described in the specification.

II. Allowable Subject Matter

The Examiner has concluded that Claim Nos. 3, 4, 18, and 20-51 are directed to allowable subject matter. In particular, the Examiner has concluded that Claim Nos. 20-51 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, second paragraph.

III. Amendment to the Claims

Upon entry of the foregoing amendment, forty-six (46) claims are pending in the application. Of the pending claims, four (4) claims are independent.

IV. Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected Claim Nos. 13 and 32 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner concludes that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. As discussed below, applicant disagrees with this conclusion and notes that the Examiner was able to appreciate that the item referred to as the “adjusting mechanism” in the specification and identified with Reference No. 48 is an actuator (Paragraph No. 5 in Office Action). Further, exact terms need not be used *in haec verba* to satisfy the written description requirement of the first paragraph of 35 U.S.C. §112. *Eiselstein v. Frank*, 52 F.3d 1035, 1038, 34USPQ2d 1467, 1470 (Fed. Cir. 1995); *In re Wertheim*, 541 F.2d 257, 265, 191 USPQ 90, 98 (CCPA 1976). See also 37 CFR §1.121(e) which merely requires substantial correspondence between the language of the claims and the language of the specification. Even though there is sufficient support for the “actuator” element, to expedite the prosecution of this application, applicant has amended these claims to use the exact terminology that is provided in the specification. Accordingly, applicant submits that this amendment should in no way narrow the scope of these claims.

The Examiner has also rejected Claim Nos. 20-38 and 39-51 under 35 U.S.C. §112, second paragraph, as being indefinite. With regard to Claim No. 20, the Examiner concludes that

it is unclear whether the first and second portions of the side rails correspond to each other and whether the cross-bars are portions of the side rails or are separate entities. In the embodiments particularly disclosed, the first and second portions of the side rails correspond to each other and the cross-bars are portions of the side rails. Additionally, this correspondence between the portions of the side rails has now been expressly included within Claim No. 20. With regard to the relationship of the cross-bars to the side rails, Claim No. 20 is drafted broadly enough such that the cross-bars may be portions of the side rails as particularly shown in the figures and described in the specification, or they may be separate entities. Accordingly, Claim No. 38 is particularly directed to the disclosed embodiments in which the cross-bars are “extensions” of the respective side rails.

With regard to Claim No. 39, the Examiner concludes that there is insufficient antecedent basis for the “opposite lateral wire” element. Applicant has amended the claim to remove the offending term and more accurately describe the element using terminology that is particularly described in the specification.

As discussed above, the foregoing claim amendments have corrected the claim language to more particularly point out and distinctly claim the subject matter of the present invention. Accordingly, Applicant respectfully submits that the rejections of these claims have been obviated and should now be withdrawn.

V. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected Claim Nos. 1, 10 and 11 as being anticipated by U.S. Patent No. 6,499,803 (the “Nakane” patent) under 35 U.S.C. §102(b) and also rejected Claim Nos. 1, 2,

5-9, 12-17 and 19 as being anticipated by U.S. Pub. No. 2004/0155501 (the “McMillen” application) under 35 U.S.C. §102(e). Applicant appreciates the breadth with which the Examiner is reading the pair of cross-bars element, including the particular relationship of the cross-bars in connecting the respective pair of side rails and crossing each other, such that a crossing may include a partial crossing such as shown and described in Nakane and McMillen. However, it is clear from the specification and the corresponding illustrations that the present application is directed to cross-bars which have a complete crossing of each other. To expressly include this aspect of the invention in Claim No. 1, applicant has amended the claim to define the crossing as between extensions of the side rails that form an “X-shape” wherein each one of the extensions reaches from its respective side rail to the opposing side rail. None of the prior art references describes or suggests such cross-bars, including their relationships to each other and their cooperative relationships with the side rails. Accordingly, applicant respectfully submits that the rejection of Claim No. 1 and its dependent claims have been obviated and should now be withdrawn.

VI. Conclusion

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and

complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis J.M. Donahue, III", is written over a horizontal line.

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